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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,977	01/06/2000	PETER C. BROOKS	13761-727	2450

26021 7590 01/30/2004

HOGAN & HARTSON L.L.P.
500 S. GRAND AVENUE
SUITE 1900
LOS ANGELES, CA 90071-2611

EXAMINER

HARRIS, ALANA M

ART UNIT

PAPER NUMBER

1642

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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JAN 30 2004

BARRY M. SHUMAN
BILTMORE TOWER
500 SOUTH GRAND AVENUE, SUITE 1900
LOS ANGELES, CA 90071

In re Application of :
Peter C. Brooks et al :
Serial No.: 09/478,977 : PETITION DECISION
Filed: July 6, 2000 :
Attorney Docket No.: 89188.0007 :

This is in response to the petition under 37 CFR 1.181, filed November 10, 2003, for restarting of a period for reply based on late or non-receipt of an Office action.

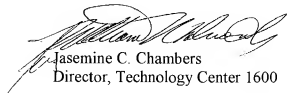
A review of the file history shows that the examiner mailed a non-Final Office action to applicants' previous attorneys, McCutchen, Doyle, Brown & Enersen, on April 23, 2002, setting a three month shortened statutory period for reply. In response applicants, through new attorneys, filed a request for a Continued Prosecution Application (CPA) on October 23, 2002, accompanied by a request for a three month extension of time and fee therefore and the filing fee for the CPA. No other papers accompanied the submission. The CPA request did contain a new correspondence address which information was inadvertently overlooked by the Office. After processing of the CPA request the examiner mailed a new Office action to applicants at the old address on May 13, 2003. Applicants' current attorneys became aware of the missing Office action in October, 2003 and filed this petition on November 10, 2003, but action could not be taken on the petition until after the statutory period for reply had expired. Thus the application became abandoned on November 14, 2003, for failure to reply. In view of the Office error in not utilizing the correct correspondence address, the abandonment status is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for mailing of a new Office action to the correct address.

Applicants should note that a new Power of Attorney has been submitted for this application, however it cannot be accepted as it is incomplete. No indication is given as to who is signing the appointment of attorney form, but it appears to be a representative of the assignee. Further the attached statement under 37 CFR 3.73(b) is incomplete as to assignee information and therefore not acceptable.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number.



Jasmine C. Chambers
Director, Technology Center 1600